

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 17-26 are pending in the present application, with Claim 17 amended and Claims 22-26 added by the present amendment.

In the outstanding Office Actions, Claim 17 was rejected under 35 U.S.C. § 112, second paragraph; Claims 17-18 and 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Niwa (U.S. Patent No. 6,475,606) in view of Bogdanski et al. (U.S. Patent No. 6,150,636, hereinafter Bogdanski) or Soma et al. (U.S. Patent No. 5,231,690).

Claim 17 is amended to return to the previously pending claim language by removing the term “one of a carbide ceramic and a nitride ceramic.” New Claim 22 reintroduces the subject matter of cancelled Claim 19 (i.e., one of a carbide ceramic and a nitride ceramic). Applicants submit this language is commonly used in U.S. patent practice and is clearly understood to mean the ceramic substrate includes a carbide ceramic and/or a nitride ceramic. Claim 17 is also amended to more clearly describe and distinctly claim Applicants’ invention by replacing the word ‘outside’ with the word ‘outermost.’

New Claims 22-26 are directed to additional features disclosed in Applicants’ originally filed specification.¹ No new matter is added.

Applicants submit that Niwa is an improper basis of rejection in view of 35 U.S.C. § 103(c). Niwa is not a 102(b) reference because Niwa was published less than 12 months before the filing date of the present application. Because Applicants’ claim priority to JP 2000-133942, filed on May 2, 2000, Niwa is not a proper 102(a) reference. A certified translation of Applicants’ priority document is filed herewith.

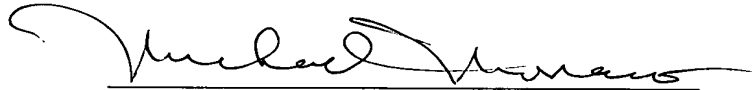
¹ Specification, Figure 2; page 10, lines 32-36; page 9, lines 22-24; page 9, lines 8-9.

Thus, Niwa can only be a basis for the pending rejection under 35 U.S.C. § 103(a) as a 102(e) reference. However, 35 U.S.C. § 103(c) states “subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” Here, both Niwa and the present application were subject to an obligation of an assignment to the same person (i.e., the present assignee) at the time the present invention was made.

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

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